

REMARKS/ARGUMENTS

Claims 20, 22, 23 and 25-27 are pending in the application. Claims 20, 22, 23 and 25-27 are rejected. More specifically, Claims 2, 22-23 and 25 are rejected pursuant to 35 USC §103(a) as being unpatentable over U.S. patent No. 6,165,115 to Rea ("Rea") in view of U.S. Patent No. 4,689,458 to Levendusky ("Levendusky"). Claims 26-27 are rejected under 35 USC §103(a) as being unpatentable over Rea in view of Levendusky in view of U.S. Patent D345,081 to Adami et al. ("Adami").

In the 12/28/05 Office Action Summary, the Examiner has withdrawn allowance of the previously allowed subject matter and has rejected the pending claim as being obvious based on the combination of Rea and Levendusky. More specifically, the Examiner has cited Rea as disclosing a container comprising a metallic sidewall portion, a metallic lid sealingly interconnected to an upper end of the metallic sidewall portion, and a microwavable transparent bottom interconnected to a perimeter edge of said microwavable transparent bottom and a lower end of the metallic sidewall portion. Levenduski is cited for disclosing a reinforcing member comprised of a metallic member. The Examiner has further stated that it would have been obvious to one of ordinary skill in the art to make a container with a height of at least 2 inches and a bottom surface area of at least about 1.25 square inches.

The applicant respectfully requests reconsideration of the amended pending claims. As discussed during an interview conducted on April 10, 2006, the Applicant has discovered a novel and non-obvious metallic container capable of storing a foodstuff as well as permitting heating in a conventional microwavable oven. Unlike the cited prior art, the metallic container allows a foodstuff to be retorted in a metallic container at high temperatures, provides improved rigidity for stacking, and utilizes an independent metallic reinforcing member to interconnect the peripheral edge of the microwavable transparent material to the lower end of the metallic sidewall. By seaming the microwave transparent material to the metallic reinforcing member, a hermetic seal is created which allows the foodstuff to be retorted and stored in a metallic container, while subsequently allowing the

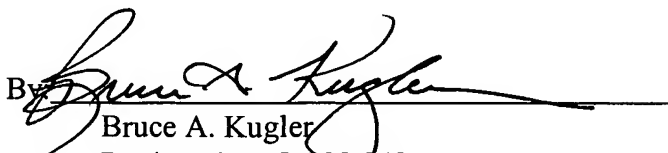
foodstuff to be heated in a microwave oven by allowing microwave energy to transmit through the microwave transparent material on the bottom portion of the container.

The Rea reference discloses a composite paper container comprised of a polyethylene polymer. The only metal in the sidewall may include foil piles. See Rea, Claim 1 and Column 3, lines 3-7. The reinforcing plug 26 is comprised generally of a low density polyethylene which extends entirely across the bottom surface of the container as opposed to interconnecting only a peripheral edge of a microwavable transparent material. Substituting a metal material as taught by Levenduski for the reinforcing plug of Rea would render the invention incapable for its intended purpose since the bottom portion of the container would be incapable of receiving microwave energy through the metal bottom. Thus, the combination of Rea and Levendusky teaches away from the Applicant's invention and reconsideration is respectfully requested.

Based upon the foregoing and the claim amendments provided herein, the Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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